



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 14-17
Site Plan No. 820140060
4990 Fairmont Avenue
Date of Hearing: April 3, 2014

APR 14 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on October 30, 2013, 4990 Fairmont LLC ("Applicant"), filed an application for approval of a site plan for a mixed use building 138,052 gross square feet in size, including 7,000 square feet of non-residential space and 131,052 square feet of residential space with 23% on-site public use space; a maximum of 72 residential dwelling units including 15% MPDUs on 14,685 square feet of CBD-2 zoned land, located at 4990 Fairmont Avenue, at the eastern corner of the intersection of Old Georgetown Road and Fairmont Avenue ("Subject Property"), in the 2006 Woodmont Triangle Amendment to the 1994 Bethesda Central Business District Sector Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820140060, 4990 Fairmont Avenue; and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 21, 2014, setting forth its analysis of, and recommendation for, approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 3, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

Approved as to
Legal Sufficiency

Christina Smith 3/27/14
6789 Georgia Avenue, Silver Spring, Maryland 20919 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140060 for a mixed use building 138,052 gross square feet in size, including 7,000 square feet of non-residential space and 131,052 square feet of residential space with 23% on-site public use space; and a maximum of 72 residential dwelling units including 15% MPDUs, subject to the following conditions.¹

Conformance with Previous Approvals

1. Project Plan Conformance

The Applicant must comply with the conditions of approval for Project Plan No. 920130070 [MCPB Resolution No. 13-107], or as amended.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120130230 [MCPB Resolution No. 13-108], or as amended.

Environment

3. Noise Attenuation

- a) Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer that specializes in acoustical treatment that the building shell for residential dwelling units to be constructed within the projected 65 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.:
- b) If any changes occur to the Site Plan which affect the validity of the noise analysis dated September 27, 2013, acoustical certifications and noise attenuation features, a new noise analysis will be required to reflect the revised plans, and new noise attenuation features may be required.
- c) The Applicant/developer/builder must certify that they will construct the noise impacted units in accordance with the recommendations of the engineer that specializes in acoustical treatments.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Public Use Space, Facilities and Amenities

4. Public Use Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 3,400 square feet of public use space (23% of net lot area) on-site. Interior studio space must be provided on site for the specific use of an arts incubator space to be managed by the Bethesda Urban Partnership (BUP) as specified in the agreement dated December 9, 2013 between BUP and the Applicant.
- b) As a public amenity, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property's frontage on Fairmont Avenue and Old Georgetown Road, consistent with the Bethesda Streetscape Standards.
- c) All public use space areas on the Subject Property must be completed prior to issuance of use and occupancy permits for the residential development.

5. Recreation Facilities

- a) The Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate on the Certified Site Plan that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) The Applicant must provide the following recreation facilities: indoor community space, picnic/sitting area, pedestrian system, and an indoor fitness facility.

6. Transportation

- a) The Applicant must limit future development on the Subject Property to 72 high rise dwelling units and 7,000 square feet of general retail space.
- b) Short term public bicycle parking for up to six bikes (inverted "U" racks) must be installed along the retail frontage and near the art incubator space. Exact locations of the racks must be determined prior to certification of the Site Plan.

- c) Prior to issuance of any building permit, the Applicant must enter and execute a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District. The TMAg must include traffic mitigation measures recommended by MCDOT.
- d) The Planning Board has accepted the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated November 27, 2013, and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Site Plan approval.
- e) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") in its memorandum uploaded to ProjectDox on March 20, 2014, and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Site Plan approval.

Density & Housing

7. Moderately Priced Dwelling Units (MPDUs)

The Applicant must comply with the Department of Housing and Community Affairs ("DHCA") letter dated February 20, 2014. An MPDU agreement that is in compliance with Chapter 25A must be executed between the Applicant and DHCA prior to the release of any residential building permits.

Site Plan

8. Site Design

The exterior architectural character, proportion, materials, and articulation for the building must be substantially similar to the schematic elevations shown in the Certified Site Plan set, as determined by M-NCPPC Staff. Any modifications made that result from a change of ownership or architect must be consistent with the renderings in ProjectDox dated January 30, 2014.

9. Landscaping

- a) Provide all landscape structures, including walls, fences, railings, paving, etc. per sheets LP-1 through LP-4.
- b) Provide all trees, shrubs and groundcovers in accordance with landscape drawings, sheets LP-1 through LP-4.
- c) The Applicant must construct the streetscape improvements, including the undergrounding of utilities, consistent with the Bethesda CBD Streetscape standards.

10. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to the Illuminating Engineering Society of North America standards for residential/commercial development.
- b) All onsite down light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the rooftop fixtures abutting the adjacent properties.
- d) The final lighting plan submitted as part of the Certified Site Plan must show light fixtures for the rooftop level. The height of the rooftop light poles shall not exceed 8 feet including the mounting base and must be directed downward. Alternatively, if bollards are proposed, the light fixtures must not exceed 4 feet and must be directed downward.

11. Surety

Prior to issuance of the first above-grade building permit, the Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.

- b) The amount of the bond or surety shall include plant material, on-site lighting, paving/streetscaping, recreational facilities, site furniture, and entrance piers.
- c) Prior to issuance of the first building permit, exclusive of the sheeting and shoring permit for the structured parking, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d) Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

12. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b) On-site amenities including, but not limited to, indoor community space, picnic/sitting area, rooftop terrace, pedestrian system, and an indoor fitness facility including all paving, lighting, site furnishings, benches, trash receptacles and bicycle facilities must be installed prior to final use and occupancy permit for the residential units.
- c) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan.

13. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the final forest conservation exemption, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b) Modify recreation table to reflect summary totals enumerated in the Staff Report.
- c) Lighting at the back of the alley in front of the art incubator space along the east side of the building must be provided and clearly identified on the lighting plan. Adequate lighting must also be provided at the rooftop level but must be full cutoff to ensure compatibility with surrounding developments.
- d) Ensure consistency of all details and layout between Site Plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on 4990 Fairmont Avenue drawings received by the M-NCPPC on March 10, 2014, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board **FINDS**, with the conditions of approval, that:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither a development plan, diagrammatic plan nor a schematic development plan was required for this Application.

The Site Plan is consistent with Project Plan No. 920130070 in terms of design layout, development standards, density and conditions of approval.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Subject Property is zoned CBD-2. Section 59-C-6.212 of the Montgomery County Zoning Ordinance establishes the CBD-2 Zone, and this section outlines the description, intent and general requirements of the zone.

The Application for up to 72 residential units (including 15% MPDUs) results in a residential gross floor area of 131,052 square feet and residential FAR of 5.73. When the 7,000 square feet of street front retail/artist incubator space is added to the residential square footage to arrive at the overall 138,052 square feet of gross floor area, the total FAR is 6.03. The maximum FAR permitted in the CBD-2 zone is 5.0, however, Section 59-C-6.215(b) states that the maximum dwelling unit density or residential FAR may be increased in proportion to any MPDU density bonus provided on-site. Since the Applicant is providing 15% MPDUs on-site, a 22% residential density bonus is allowable under the MPDU Law outlined in County Code Chapter 25A-5. The baseline allowable residential gross floor area is 107,420 square feet, and with a 22% density bonus, 131,052 square feet is permissible.

The Application includes a maximum building height of 174 feet, which exceeds the 143 feet maximum in the CBD-2 zone. Section 59-C-6.2 footnote 11, on Zoning Ordinance page C6-43 allows the Planning Board to approve a height that exceeds 143 feet, but not 200 feet in the CBD-2 zone under the optional method of development process if:

(ii) the additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan or the property is within a revitalization area designated in the applicable sector plan and is located fully or partially within 800 feet of an entrance to a metro station.

A building height of 174 feet is specifically recommended for the Subject Property in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan on pages 22 and 24 as follows:

This project is in "Block 45"

- "There are parcels in Block 45, zoned CBD-1 that could redevelop and may be able to use the transfer of density option. In order to encourage residential redevelopment, this Amendment recommends changing the CBD-1 properties to CBD-2. The Amendment recommends a FAR of 5.0 for all

properties in these blocks and a height limit of 143 feet or 174 with a 22 percent MPDU bonus.”

This project includes 15% MPDUs and therefore is receiving a density bonus of 22 percent.

More specifically, Section 59-C-6.212 outlines the intent of the CBD zones:

- (a) To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the Site Plan or combined urban renewal Project Plan is approved on review by the Planning Board.
- (b) To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers, and residents.
- (c) To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.
- (d) To promote the effective use of transit facilities in the central business district and pedestrian access thereto.
- (e) To promote improved pedestrian and vehicular circulation.
- (f) To assist in the development of adequate residential areas for people with a range of different incomes.
- (g) To encourage land assembly and the most desirable use of land in accordance with a sector plan.

The Planning Board finds the density and amenities achieved through the optional method of development enables the realization of the recommendations of the Sector Plan by providing street level space for retail, restaurant or service use; approximately 2,000 square feet of new studio space for artists in the visual arts on a street level arts alley, an important contribution to the Arts & Entertainment District; improving the continuity of pedestrian routes by closing driveways from Old Georgetown and consolidating them on Fairmont; and installing the Bethesda streetscape and enlivening the existing public alley. Until recently, a BP gas station operated on the Subject Property, which was a use that did not take full advantage of the site's close proximity to mass transit facilities and the employment opportunities in the Bethesda CBD. The Applicant acquired the Subject Property with the intent of assembling the lots to construct an optional method, mixed use project that offers retail and artist incubator space with residential units above at a prominent corner location within the Bethesda CBD. Much of the development adjacent to the Subject Property is commercial

in nature, although residential development is located approximately 150 feet southeast of the Subject Property at the intersection of Woodmont Avenue and Old Georgetown Road. The Application's reconfiguration of the current gas station vehicular access points from Old Georgetown Road to only one access point to the Subject property will minimize vehicular traffic that interferes with the pedestrian realm in this area.

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the CBD-2 Zone.

Project Data Table for the CBD-2 Zone (Optional Method of Development)

Development Standard	Zoning Ordinance Permitted/ Required	Approved by the Planning Board and Binding on the Applicant
Site Area (square feet)		
Gross Tract Area	18,000 sf	22,884 sf
Less Dedication for Public ROW	n/a	8,199 sf
Net Lot Area	n/a	14,685 sf
Density		
Max. Total FAR	5.0	6.03
- residential		5.73 ¹
- commercial		0.30
MPDUs [Chapter 25A]	12.5%	15%
Min. Public Use Space		
On-Site	20%	23%
Off-Site Amenity Space	n/a	25%
Min. Building Setbacks (ft) [59-C-10.3.8]		
Front (Fairmont Ave)	0	6 ft
Rear	0	0
West Side (Old Georgetown Rd)	0	2 ft
East Side	0	0
Max. Building Height (ft)		

	143 ft	174 ft ²
Vehicle Parking (number of spaces)		
Retail	30	18
Residential	88	80
Total spaces	118	98
Bicycle Parking		
Number of spaces	6	6
Motorcycle Parking		
Number of spaces	2	2
Footnotes		
¹ Pursuant to §59-C-6.215 (b) the maximum dwelling unit density or residential FAR may be increased in proportion to any MPDU density bonus provided on-site. ² Pursuant to §59-C-6.2, footnote 11, of the Montgomery County zoning ordinance, height may be increased to 174 feet if specifically recommended in the Master Plan. The Woodmont Triangle Amendment to the Bethesda CBD Master Plan recommends 174 feet as long as 15 percent MPDUs are provided. ³ The Subject Property is located within the Bethesda Parking Lot District; therefore, the applicant can meet the requirement by providing spaces on-site and/or pay a tax to the Parking Lot District to utilize spaces off-site.		

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. **Buildings and Structures**

The locations of the buildings and structures are adequate, safe, and efficient. The Applicant will construct this mixed use building so that it fronts both Fairmont Avenue and Old Georgetown Road. The first four floors of the building above the street level retail will contain predominately parking which is comparable to the above grade parking garage adjacent to the site. Vehicular access to the loading docks and parking garage is limited to Fairmont Avenue. Consolidating vehicular and loading access to one area of the site along Fairmont Avenue, as far from the intersection with Old Georgetown Road as possible, will minimize conflicts with pedestrians and vehicles traveling along Old Georgetown Road, which contains the greater volume of vehicular and pedestrian traffic of the two roads. The entrance to the residential units will also be located from Fairmont Avenue and access to the retail storefronts of the building will be located along both Fairmont Avenue and Old Georgetown Road. The artist incubator space will be accessed from the side alley of the building, therefore activating all visible facades.

b. Open Spaces

The open spaces provided are adequate, safe, and efficient. The CBD-1 Zone has a 20% public use space requirement for optional method projects. Applicants provide public use space on-site, off-site, or a combination of the two. The public use space is calculated over the net tract area. When calculated over the net tract area for the Subject Property, the Applicant meets this requirement on-site. The Applicant is providing 23% of the net lot area as public use space on-site, which includes the extension of streetscape and alley areas from the provided streetscape improvements within the right-of-way, as well as the enclosed artist incubator space that will be managed by the Bethesda Urban Partnership. This studio space for artists that is open to the public is highly desirable, and widening the current alley width to 11 feet will increase visibility and accessibility for the adjacent public alley which can be used to walk to the side entrance to Garage 11.

For the residential portion, there are additional on-site amenities specifically for future residents of the building. An indoor community space and indoor fitness facility will be available as amenities for residents of the building. Private open spaces including a picnic/sitting area and pedestrian system are also included. The picnic/sitting area is located on the private rooftop space and will be a respite and social gathering area for residents. The pedestrian system is located along the front of the lot in accordance with the Bethesda CBD Streetscape standards.

The diversity of open spaces is adequately dispersed throughout the Subject Property to provide safe and convenient access to all residents while efficiently providing relief from the density.

c. Landscaping and Lighting

The landscaping plan submitted as part of the Site Plan is adequate, safe, and efficient. The landscaping measures serve several purposes. It provides adequate canopy coverage and shade for public areas along the Subject Property's Fairmont Avenue and Old Georgetown Road frontages. It efficiently defines open spaces and amenity areas by creating an edge or boundary, and adding interest on the rooftop terrace area.

The lighting is adequate, safe, and efficient. As part of the Certified Site Plan, lighting at the back of the alley in front of the art incubator space along the east side of the building must be provided and clearly identified on the lighting plan.

Adequate lighting must also be provided at the rooftop level but must be full cutoff to ensure compatibility with surrounding developments.

d. Recreation Facilities

The recreation facilities provided are adequate, safe and efficient. The recreation facilities provided within the building, which are included in the recreation calculations, include: indoor community space, picnic/sitting area, pedestrian system, and an indoor fitness facility. Because of the urban nature of the site, the Applicant is taking credit for an off-site supply of amenities located at Bethesda Elementary School and Battery Lane Park.

e. Vehicular and Pedestrian Circulation

The pedestrian and vehicular circulation systems are safe, adequate, and efficient. The Subject Property currently has access points on Old Georgetown Road (two full-movement driveways) and Fairmont Avenue (one full-movement driveway). Vehicular ingress/egress to/from the on-site private residential garage and loading space will be limited to two full-movement driveways off Fairmont Avenue on the north corner of the Subject Property. Pedestrian/bicycle access to the Subject Property will be provided along both Old Georgetown Road and Fairmont Avenue, although Fairmont Avenue provides the more comfortable bicyclist experience due to its lower vehicular speed and volume.

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located approximately 0.3 miles or 1,500 feet to the south of the Subject Property), Metrobus, RideOn, and the Bethesda Circulator. Future transit in the area includes a Purple Line station. Specific transit routes near the Subject Property include:

1. RideOn Bus Routes 29, 32, 30, 34, 36, 40, 47, 70
2. WMATA Metrobus Routes J2, J3, J4, J7, and J9

Master Plan Roadways and Pedestrian/Bikeway Facilities

The Sector Plan identifies master plan facilities along the property frontage, which are listed below. Since these roadways currently meet the minimum right-of-way requirements no additional dedication is required for this Application.

1. Fairmont Avenue, along the northern site frontage, as a Biker Friendly Area and Mixed Street with a minimum right-of-way width of 60 feet. Mixed Streets are described in the Sector Plan as streets that accommodate higher levels of pedestrian activity.

2. Old Georgetown Road, along the southern/western property frontage and between St. Elmo Avenue to the north and Woodmont Avenue to the south, as a major highway (M-4) with a minimum right-of-way width of 82 feet.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The Planning Board finds the location; size and intensity of the uses on the Subject Property are compatible with the existing and potential development in the general neighborhood. The building's orientation responds to the surroundings. Access to the residential units will be from Fairmont Avenue. The majority of the ground uses have entry and exit points from Old Georgetown Road where visibility and pedestrian activity will be greatest. The garage entry and loading dock entry is located off of Fairmont Avenue to minimize vehicular and pedestrian conflicts on Old Georgetown Road. The garage of the building is located on the first four floors of the structure to correspond with the existing 40 foot tall public parking garage height. The treatment of the garage ends at the fifth floor where balconies are present on the top 12 floors but the stone or precast treatment of the garage is partially extended to the top floor of the building to provide subtle continuity.

The block in which the building is located is the closest in the Woodmont Triangle Amendment area to the Bethesda Metrorail station. Redevelopment potential exists to construct additional buildings to a similar height. The building will be the same height as the approved Monty project (Site Plan No. 820090110, The Monty), located north of the Subject Property on the opposite side of Fairmont Avenue, and the same height as the approved 4900 Fairmont Avenue project (Site Plan No. 820120120), and located northeast of the Subject Property on the same side of Fairmont Avenue. Therefore, the building will be consistent with the emerging redevelopment pattern in the general neighborhood. Ground floor retail and the artist incubator space will draw pedestrians to this section of Old Georgetown Road, replacing a vehicular heavy gas station use. Additional residents in this location will enliven the block at night and on weekends when the surrounding commercial buildings are primarily vacant.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Subject Property is located in the Bethesda CBD. There are no onsite wetlands, floodplains, streams or their associated buffers on the Subject

Property. There is neither forest nor specimen trees onsite. The Subject Property is located in the Willett Branch watershed which is a tributary to Little Falls Branch Stream, a Use I-P watershed.

The Applicant applied for an exemption from submitting a forest conservation plan. Exemption No. 42013105E was confirmed on January 16, 2013 because the Subject Property is less than 1.5 acres in size. Therefore, the Subject Property qualified for an exemption under section 22A-5(s)(1) of the Montgomery County Forest Conservation Law, for an activity occurring on a tract of land that is less than 1.5 acres in size and has no existing forest or existing specimen or champion trees, and the afforestation requirements would not exceed 10,000 square feet.

The stormwater management concept approved on June 11, 2013, meets the required stormwater management goals by the use of Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) with the use of a green roof and micro-bioretenion/planter box. A waiver for structural treatment is granted since full treatment of ESD volume is not possible due to the existing shallow storm drain and onsite constraints.

The Applicant submitted a noise analysis with the Site Plan, which included certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

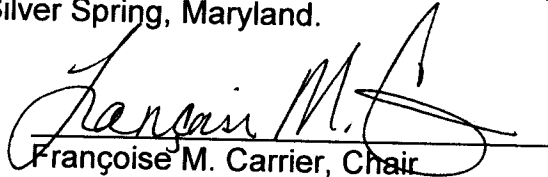
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 14 2014 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, April 3, 2014, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board